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OFFICE OF PETITIONS

In re Application of :
John Mark Zetts : DECISION ON PETITION
Application No. 09/850,253 :
Filed: May 7, 2001 :
Atty Docket No. STL920000106US1:

This is a decision on the RENEWED PETITION FOR REVIVAL Under 37 CFR 1.137(a) and 1.137(b) filed on July 3, 2006, to revive the above-identified application based on unavoidable delay, or in the alternative based on unintentional delay.

The petition under § 1.137(a) is GRANTED.

The above-identified application became abandoned effective September 18, 2005, for failure to timely pay the issue fee and publication fee within three months of the mailing date of the Notice of Allowance and Fee(s) Due mailed June 17, 2005. A courtesy Notice of Abandonment was mailed on May 8, 2006.

By decision mailed May 2, 2006, the initial petition filed December 23, 2005 was dismissed for failure to make a showing to the satisfaction of the Director that the delay in paying the issue fee and publication fee was unavoidable within the meaning of § 1.137(a).

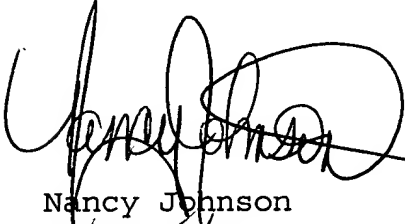
On instant petition, petitioner submitted additional argument and evidence to support their showing of unavoidable delay. Having considered the facts and circumstances of the delay at issue, it is concluded that, in this instance, the delay is

unavoidable within the meaning of 1.137(a). Petitioner previously submitted the required reply in the form of payment of the issue fee and the publication fee. Petitioner has now met all requirements for revival of this application pursuant to 37 CFR 1.137(a).

This decision is limited to the facts and circumstances of this case. Petitioner is reminded that the business of the Office is conducted in writing pursuant to § 1.2, and that oral assurances from an examiner or other USPTO employee should not be relied on to avoid abandonment of an application or as a basis for excusing the abandonment of an application.

Given the granting of this petition pursuant to § 1.137(a), consideration of the petition, in the alternative, under § 1.137(b) is unnecessary. Accordingly, no petition fee for such consideration has been charged.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3219.

A handwritten signature in black ink, appearing to read 'Nancy Johnson', with a long horizontal line extending from the end of the signature.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions